

## **PUBLIC NOTICE**

### **ENVIRONMENTAL PROTECTION**

### **SITE REMEDIATION AND WASTE MANAGEMENT PROGRAM**

**Notice to Receive Interested Party Comments on Proposed Consent Decree Regarding the Unimatic Manufacturing Corporation Superfund Site in Essex County, New Jersey, *In the Matter of the United States of America, New Jersey Department of Environmental Protection, and the Administrator of the New Jersey Spill Compensation Fund v. Unimatic Manufacturing Corporation, Cardean, LLC, Frameware, Inc., and Profiles, LLC.***

**TAKE NOTICE** that the New Jersey Department of Environmental Protection and the Administrator of the New Jersey Spill Compensation Fund (“NJDEP”) hereby give notice of a proposed Consent Decree concerning the cleanup and removal of hazardous substances resulting from alleged discharges at the Unimatic Manufacturing Corporation Superfund Site, located at 25 Sherwood Lane in Fairfield, Essex County, New Jersey, identified on the current tax map of the town of Fairfield Township at Block 2302, Lot 8 (the “Property”).

NJDEP proposes to enter into this Consent Decree with Unimatic Manufacturing Corporation, Cardean, LLC, Frameware, Inc., and Profiles, LLC (“Settling Defendants”).

Under the proposed Consent Decree, the Settling Defendants agree to settle their alleged liability to the EPA and NJDEP by making the following payments to EPA and NJDEP. EPA and NJDEP will share these total monies received from Settling Defendants on a 90/10 basis, with EPA receiving 90% and NJDEP receiving 10% of the following:

- Response Costs – Within 30 days of execution of the Consent Decree, Settling Defendants shall pay NJDEP \$349,919.87 for the NJDEP’s past cleanup and removal costs through the

effective date of the Consent Decree; Settling Defendants shall pay EPA \$3,149,278.78 for the EPA's past remediation costs through the effective date of the Consent Decree.

- Seller's Escrow Account - Within 180 days after the effective date of the Consent Decree, Settling Defendant Unimatic shall pay 90% of all remaining assets in the Seller's Escrow to the United States and 10% to NJDEP.
- Sale of Cardean Property - At the time of the sale of the Cardean Property, Settling Defendant Cardean shall pay to the EPA the net sales proceeds of the sale of the Property.
- Cardean State Court Recoveries - In the event Settling Defendant Cardean receives additional property damages from any party (excluding Settling Defendant Unimatic) in the matter of Cardean, LLC, et al. v. Unimatic Manufacturing Corporation, et al., Superior Court of New Jersey, Law Division-Essex County, Docket No. L-5864-13, Cardean shall pay NJDEP up to \$200,000 of the property damages received.

NJDEP would, among other things, provide Settling Defendants with a covenant not to sue for all past cleanup and removal costs and all future cleanup and removal costs conditioned upon the satisfactory performance by Settling Defendants of their obligations under the Consent Decree. The proposed Consent Decree does not resolve Settling Defendants' alleged liability for injuries to natural resources and/or natural resource damages resulting from discharges at the Property.

This Consent Decree would constitute a judicially approved settlement within the meaning of 42 U.S.C. § 9613(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §§ 9601 et seq., and N.J.S.A. 58:10-23.11f.a (2)(b) of the Spill Act for the purpose of providing protection from contribution actions or claims for matters addressed in the proposed Consent Decree.

A copy of the proposed Consent Decree is available for inspection via the internet at <http://www.nj.gov/dep/srp/legal/> and at the Department's Office of Record Access at 401 East State Street, Trenton, New Jersey. Requests to inspect a paper copy of the proposed Consent Decree should be directed to [records.custodian@dep.nj.gov](mailto:records.custodian@dep.nj.gov). Interested persons may submit comments on the entry of this Consent Decree electronically (preferred) to [kevin.kratina@dep.nj.gov](mailto:kevin.kratina@dep.nj.gov) or by mail to Kevin F. Kratina, Assistant Director, NJDEP, Enforcement and Information Support Element, Site Remediation and Waste Management Program 401 East State Street, Mail Code 401-06A, P.O. Box 420, Trenton, NJ 08625-0420. All comments must be submitted within 60 calendar days of the date of this public notice. NJDEP will consider all comments received and may decide to withdraw or withhold consent to the entry of the Consent Decree if comments received disclose facts or considerations that show that the Consent Decree is inappropriate, improper or inadequate.